

Attorney Docket No.: 1348-1010

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application: Arthur Yuichi Tsubaki

Serial No.: 09/924,788

Filed: August 8, 2001

Art Unit: 2645

Confirmation No.: 2798

Examiner: MD Shafiul Alam Elahee

For: Dynamically Programmable Frequency Scanning  
Radio Receiver and Method of Programming the  
Same

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Declaration of Lawrence R. Youst

Dear Sir:

I, Lawrence R. Youst, hereby declare the following:

1. I have been employed at Danamraj & Youst, P.C.  
(previously Smith, Danamraj & Youst, P.C.)  
(hereinafter referred to as "DYPC") since May, 2000.
2. As part of my responsibilities at DYPC, I prepare and  
file patent applications including numerous  
applications for Uniden America Corporation  
(hereinafter referred to as "Uniden").

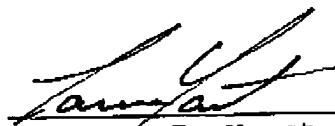
3. In early June, 2001, I spoke with Brianna Hinojosa-Flores, Intellectual Property Coordinator at Uniden, regarding my availability to prepare a patent application (Uniden reference number U-0106-1) for an invention entitled Location-Based Frequency Scanning Radio Receiver (hereinafter referred to as "the '106 invention"), which I agreed to prepare in my normal course of business by placing this project within a queue along with my other projects.
4. On June 19, 2001, I received a letter from Uniden regarding the preparation of the patent application. Attached to the letter was a Uniden Invention Disclosure Form dated June 1, 2001 relating to the '106 invention.
5. Also on June 19, 2001, I met with Arthur Yuichi Tsubaki, one of the inventors, to obtain an oral invention disclosure relating to the '106 invention.
6. Between June 19, 2001 and July 16, 2001, in my normal course of business, I prepared a draft of the patent application relating to the '106 invention including reviewing the invention disclosure, reviewing the prior art patents, preparing informal drawings, overseeing the preparation of formal drawings and

drafting of the patent application. During the same period, my docket indicates that I filed five other patent applications and was in the process of preparing at least twelve other patent applications in addition to preparing at least six amendments relating to previously filed patent applications.

7. On July 16, 2001, I forwarded a draft of the patent application relating to the '106 invention to Uniden for review by the inventors.
8. Between July 16, 2001 and August 7, 2001, I received comments from the inventors and updated the patent application. I also prepared the Declaration and Power of Attorney.
9. On August 7, 2001, I obtained the executed Declaration and Power of Attorney of the inventors.
10. On August 8, 2001, I filed the patent application, which was granted serial number 09/924,788 and a filing date of August 8, 2001.
11. As part of the preparation of the present Response to the Office Action dated September 23, 2004, I have reviewed the relevant pages of Mr. Tsubaki's inventor's notebook, Mr. Tsubaki's declaration and Mrs. Hinojosa-Flores' declaration.

12. Based upon my experience as a patent attorney having drafted and filed over 100 patent applications, I believe that the contents of Mr. Tsubaki inventor's notebook and declaration establish conception at least as early as February 1, 2001. Also, I believe that Mr. Tsubaki diligently worked toward a reduction to practice to the '106 invention and that Mr. Tsubaki, Mrs. Hinojosa-Flores and DYPC diligently worked toward the preparation and filing the above-captioned patent application following Mr. Tsubaki's conception of the invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Lawrence R. Youst

1/21/05  
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Date